

AGN. NO. _____

MOTION BY SUPERVISOR DON KNABE

April 29, 2003

The Rowland Heights community has expressed concerns regarding traffic and circulation, visual impacts, pedestrian safety and other negative impacts from commercial development in their community. As a result of these concerns, a commercial property study was performed. The study concludes that there is the potential for significant additional commercial development within the Rowland Heights area which may further exacerbate the area's traffic and circulation, causing hazards to pedestrians and motorists, and detracting from the physical appearance and condition of the entire community. The study recommends permanent zoning ordinance amendments to the community standards district for the Rowland Heights area in order to address these concerns. In response to the study, the Regional Planning Commission is considering additional regulation of commercially zoned property. Any changes recommended by the Planning Commission will need to come before the Board for adoption.

(MORE)

MOTION

MOLINA	_____
YAROSLAVSKY	_____
KNABE	_____
ANTONOVICH	_____
BURKE	_____

Until such regulation can be considered for adoption by the Board, it is necessary to institute an urgency measure temporarily regulating the use of commercially zoned property in the community of Rowland Heights.

I, THEREFORE MOVE THAT, the Board of Supervisors adopt the attached interim ordinance, to be effective upon adoption for a period of 45 days, temporarily regulating the use of commercially zoned property in the community of Rowland Heights pending the consideration of permanent amendments to the community standards district for the Rowland Heights area to further regulate commercially zoned properties, and that a public hearing to consider an extension of this urgency measure be scheduled before this Board on June 10, 2003.

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FG:e

ANALYSIS

This interim ordinance temporarily regulates the use of commercially zoned property in the community of Rowland Heights pending the consideration of permanent amendments to the community standards district for the Rowland Heights area to further regulate commercially zoned properties. This ordinance does not apply to buildings or structures for which a valid building permit has been issued prior to the effective date of this ordinance.

This ordinance is an urgency measure and requires a four-fifths vote by the Board of Supervisors for adoption.

This ordinance expires forty-five (45) days after its adoption, unless extended pursuant to Government Code section 65858.

LLOYD W. PELLMAN
County Counsel

By:
PETER J. GUTIERREZ
Senior Deputy County Counsel
Public Works Division

PJG:asm

4/9/03 (requested)

4/10/03 (revised)

ORDINANCE NO. _____

An interim ordinance temporarily regulating the use of commercially zoned real property in the community of Rowland Heights, consisting of portions of Puente Zoned District Number 76, San Jose Zoned District Number 21, and Walnut Zoned District Number 52 in the unincorporated territory of the County of Los Angeles, declaring the urgency thereof and that this ordinance shall take immediate effect.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Except for buildings or structures for which a valid building permit has been issued prior to the effective date of this ordinance, no new development, additions to existing development, or changes of use described in (a) through (e) herein shall be permitted upon any property that is both (1) described in Section 6, below, and (2) within any commercial zone as defined in Title 22 of the Los Angeles County Code, unless a conditional use permit is first issued in accordance with the procedures set forth in Part 1 of Chapter 22.56 of said Title 22:

- (a) Construction of a one-story structure exceeding 10,000 square feet;
- (b) Construction of a two- or more-story structure;
- (c) Addition(s) to an existing structure resulting in two or more stories;
- (d) Addition(s) to an existing structure exceeding 5,000 square feet;
- (e) Modification(s) to an existing structure and/or intensification of use which results in a 25 percent or greater increase in the occupancy load of the affected structure for single-occupancy structures or which results in a

25 percent or greater increase in the occupancy load of the affected unit for those structures with multiple-tenant units.

SECTION 2. Section 65858 of the Government Code provides that any urgency measure in the form of an initial interim ordinance may be adopted without prior public notice by a four-fifths vote of the Board of Supervisors, which shall be effective for only forty-five (45) days following its date of adoption. Government Code section 65858 further provides that such an urgency measure may be extended, following compliance with that section, for up to an additional twenty-two (22) months fifteen (15) days beyond the original forty-five (45) day period.

SECTION 3. The definitions and penalties for land use violations that are prescribed in Title 22 of the Los Angeles County Code shall apply to violations of the provisions of this interim ordinance.

SECTION 4. A commercial property study which considered possible permanent zoning ordinance amendments to the community standards district for the Rowland Heights area has been completed. The study concludes that there is the potential for significant additional commercial development of properties within the Rowland Heights area which may exacerbate the area's traffic and circulation, cause hazards to pedestrians and motorists, and detract from the physical appearance and condition of the entire community. The Regional Planning Commission is considering the study's recommendation that additional regulation of commercially zoned property be adopted. Unless this interim ordinance takes immediate effect as provided for herein, an

irreversible incompatibility of land uses might reasonably occur as a result of the approval of additional building permits, site plans, or other applicable entitlements, all to the detriment of the public health, safety, and welfare. Accordingly, the Board of Supervisors finds that there is a current and immediate threat to the public health, safety, and welfare from the intensification of existing uses or the enlargement or placement of buildings or structures on commercially zoned property in the area described in Section 6, below, which would result from the approval of additional building permits, site plans, or other applicable entitlements in the absence of adequate and reasonable zoning controls. If this interim ordinance does not take immediate effect, development may occur, and may continue in existence after, and be in conflict with, any permanent amendment to the community standards district for the Rowland Heights area that may be adopted as a result of the Rowland Heights commercial property study. Such development may have a negative impact on traffic, circulation, and pedestrian and motorist safety, as well as be incompatible with the surrounding community.

SECTION 5. If any provision of this interim ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and, to this end, the provisions of the interim ordinance are hereby declared to be severable.

SECTION 6. The area subject to the provisions of this interim ordinance is coterminous with the area within the Rowland Heights Community Standards District as contained in Section 22.44.132 of Title 22 of the Los Angeles County Code, as adopted by the Board of Supervisors on November 27, 2001, and as amended by the Board of Supervisors on September 24, 2002, and contains portions of the Puente Zoned District Number 76, San Jose Zoned District Number 21, and Walnut Zoned District Number 52.

SECTION 7. This interim ordinance is urgently needed for the immediate preservation of the public health, safety, and welfare, and it shall take effect immediately upon adoption, and it shall be of no further force and effect forty-five (45) days following the date of its adoption unless extended in accordance with the provisions set forth in Government Code section 65858.